THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.12558 OF 1998

ORAL ORDER:

This writ petition is filed seeking a declaration that the notification dated 21.3.1998 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short "the Act") published in the Gazette dated 25.3.1998 acquiring the lands of the petitioners to an extent of Ac.3.25 cents situated at D. Muppavaram village, Nidadavole Mandal, West Godavari District, for a public purpose viz., to provide house-sites to the encroachers who were removed from road margins in connection with the road widening programme is arbitrary and illegal.

It is not in dispute that having dispensed with the enquiry under Section 5-A of the Act, declaration under Section 6 of the Act was also made on 28.3.1998. The said action of the respondents has been challenged in this writ petition contending *inter alia* that the petitioners being small farmers, their lands cannot be acquired. It is also pleaded by the petitioners that since more suitable lands are available in the vicinity, the respondents ought not to have acquired the lands in question.

This Court while ordering *Rule nisi* by order dated 30.4.1998 directed to maintain *status quo* and, consequently possession remained with the petitioners and even in the counter-affidavit filed by the respondents on 15.12.2005, the said fact has not been disputed.

Having regard to the nature of the objections raised by the petitioners, and particularly keeping in view the long lapse of time after issuing the notification under Section 4(1) of the Act, I deem it appropriate to dispose of the writ petition setting aside the declaration made under Section 6 of the Act and directing the respondents to conduct enquiry under Section 5-A of the Act following due process of law and, thereafter, take appropriate steps in accordance with law. No costs.

(G. ROHINI, J.)

21st September, 2007.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.12558 OF 1998

21st September, 2007.

Between:

Daparthi Varalakshmi and another. .. Petitioners.

And

District Collector, West Godavari District,
Eluru and others. .. Respondents.